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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 GARCIA A. FRANKLIN,

9 Petitioner,

10 v.

11 A. NEIL CLARK,

12 Respondent.

CASE NO. C08-1117-RSM-JPD

ORDER OF DISMISSAL

13 The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition, all papers and exhibits
14 in support and in opposition to that petition, the Report and Recommendation of the Honorable
15 James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find
16 and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;
18 (2) Petitioner's Petition for Writ of Habeas Corpus, Dkt. 7, is DENIED, Respondent's
19 Motion to Dismiss, Dkt. 13, is GRANTED, and this action is DISMISSED
20 without prejudice; and
21 (3) The Clerk is directed to send copies of this Order to the parties and to Judge
22 Donohue.

23 DATED this 19th day of September, 2008.

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26 RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

ORDER